

NEW YORK HERALD.

BROADWAY AND ANN STREET.

JAMES GORDON BENNETT,
PROPRIETOR.All business or news letters and telegraphic
despatches must be addressed New York
Herald.Letters and packages should be properly
sealed.Rejected communications will not be re-
turned.

Volume XXXIII. No. 57

AMUSEMENTS THIS EVENING.

OLYMPIC THEATRE, Broadway.—PEARL OF SAVOY.

NIBLO'S GARDEN, Broadway.—THE WHITE FAIRY.

ACADEMY OF MUSIC, Fourteenth street.—ROBERTO IN
DIABLO.WALLACK'S THEATRE, Broadway and 13th street.—
THE STOPS TO CONQUER.PIKE'S OPERA HOUSE, 21st at corner Eighth at—
FAUST.

BROADWAY THEATRE, Broadway.—SAM.

BOWERY THEATRE, Bowery.—BONNANT—NEW FOOT
BALL.NEW YORK THEATRE, opposite New York Hotel.—
MORRIS DAUGHTER.

FRENCH THEATRE.—GRAND DUCHESS.

BARNARD'S OPERA HOUSE AND MUSICAL.—BROAD-
WAY AND 50th at.—BOONHEADS AND CAVALIERS.NEW YORK CIRCUS, Fourteenth street.—GYMNASTICS.
EQUESTRIANISM, &c. Matinee at 2.THEATRE COMIQUE, 54 Broadway.—HAROLD CON-
STANTINOTTE AND MINUTIA CIRCUS. Matinee at 2.DANCE AND LEON'S MINSTRELS, 720 Broadway.—SONGS,
DANCES, EQUESTRIANISM, &c.—GRAND DUTCH "S."SAN FRANCISCO MINSTRELS, 350 Broadway.—EXTRAV-
AGANT ENTERTAINMENT, SINGING, DANCING AND EQUESTRIANISM.TONY PASTOR'S OPERA HOUSE, 21st at corner Eighth at—
COMIC VOCALISM, NEGRO MINSTRELS, &c. Matinee at 2.BUTLER'S FINE THEATRE, 472 Broadway.—
BALLETS, FINE PASTORALISM, &c.BUNYAN HALL, Broadway and Fifteenth street.—THE
FIDELITY.

STEINWAY HALL.—DR. CHALLICE'S LECTURE.

DODWORTH HALL.—OLIVE LOGAN.

MRS. F. D. CONWAY'S FINE THEATRE, Broadway.—
THE PEARL OF SAVOY.HOOVER'S FINE THEATRE, Broadway.—BONNANT—NEW FOOT
BALL.NEW YORK MUSEUM OF ANATOMY, 618 Broadway.—
SCIENCE AND ART.NEW YORK MUSEUM OF ANATOMY, 618 Broadway.—
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SCIENCE AND ART.In the United States District Court yesterday the case
of the United States vs. 1,200 quarts of sherry
wine, better known as the "Great Sherry Case," was
tried, and occupied the court during the day. Case
not yet concluded.Adolphus Bourque was yesterday found guilty in the
Court of Oyer and Terminer upon an indictment for
grand larceny. The offence consisted in stealing from a
jewelry store, at 91 Second avenue, a coat and two pairs
of pants valued at \$75. Bourque was sentenced to
three years and three months imprisonment in the State
Prison.Michael Spitz, sued James Lyons in the Supreme
Court, yesterday for the recovery of \$10,000
damages for the loss of services of his wife, who died,
it is alleged, in consequence of injuries resulting from
an assault by defendant. Case still on.The stock market improved yesterday. Government
securities were dull. Gold was dull and closed at 142 1/2.

MISCELLANEOUS.

Our special telegrams from Havana contain news from
Venezuela, Virginia, Demarara, Barbados, Trinidad,
St. Croix, Antigua, Jamaica and St. Thomas. Several
new Cabinet Ministers of Venezuela had resigned. The
revolution had not yet been suppressed. Motors were
seen in Barbados on the 14th ult. The ship *Fury* had
arrived at St. Croix. A hurricane had occurred at
the island of Navassa.Our Mexico telegrams, obtained through special
agents from Cuba, Action sales of confiscated
property are ordered for the extinguishment of the
national debt. The Yagui Indians were committing for-
midable depredations. President Juarez had been
granted six months' leave of absence to visit Washing-
ton. The Mexican government has declared Puerto
Ogajico, situated on the Pacific coast of the State of
Oaxaca, a port of entry for foreign and coasting com-
merce.Despatches from New Mexico report that five hundred
Indians had attacked Fort Lancaster, but were driven
off. Five Americans had been found dead at the head
of the Conchos.In the Constitutional Convention yesterday several
articles were ordered for amendment by striking out
the clause prohibiting the consolidation of rail-
road companies whose joint capital exceeds \$200,000,
and making it apply only to parallel or competing lines.
The article on official corruption was amended by adding
a new section providing for the removal of district
attorneys who prove remiss in prosecuting criminal
cases under their knowledge.The Florida Convention adjourned subject to the call
of the President yesterday, after giving the new con-
stitution, which is said to give general satisfaction.
Five members refused to sign it.Governor Ward, of New Jersey, vetoed the resolu-
tion lately passed by the Legislature withdrawing the
State's acceptance of the constitutional amendment
known as the fourteenth article.The Scandalous Conflict at Washington.
The Government Under a Cloud.A three-penny tax on tea precipitated the
American Revolution. British taxation with-
out representation detached thirteen of its
choicest American colonies from the British
Crown, and culminated in their recognition as
the independent republic of the United States
of America. In 1789 the States were estab-
lished in "the more perfect Union" of the
federal constitution. Under this government,
notwithstanding the blotch of African slavery,
the country flourished as "the model republic,"
a model of the proslavery rebellion. As a
downfall of popular sovereignty, prosperity,
economy and taxation so light as hardly to be
felt, its name extended from the rivers to the
ends of the earth. The down-trodden peoples
of the Old World looked Westward with long-
ing eyes and outspoken aspirations, while their
royal rulers and feudal aristocracies preached
and plotted their demoralization, dissolution
and destruction. With the suppression of the
most formidable rebellion in the history of the
human race we achieved something more. In
addition to the simplicity, freedom and cheap-
ness of our popular institutions, as proved in
peace, their inherent strength in the severest
trials of war became the wonder and admiration
of the world.But where are we now? Where are the
economy and cheapness of our republican sys-
tem? How paltry appear the stamp acts and
tea taxes of the old British colonial régime
vis-à-vis the internal imposing schedules of our
present internal revenue system! Six hundred
millions a year in federal taxation, and all
absorbed in federal extravagances, corruptions
and apollonias, is a startling exhibit. The
charm of cheapness in our republican institu-
tions is gone. Ours has become the most ex-
pensive government to the people of any in
the world, excepting that of the republic of
Mexico, where anarchy is the normal condition
of things. This scandalous conflict between
President and Congress, since the end of the
war, has cost the country some two or three
hundred millions a year. And what is it all
for? On the part of this radical Congress it is
all for the maintenance of their party in power
through universal negro suffrage and negro
political ascendancy in the reconstruction
topy twist of the rebel States. On the part of
the President it is a mixture of retaliation,
self-conceit, offended pride and ambitious
folly. Congress sees nothing but Johnson as
the great impediment to reconstruction, and
Johnson sees nothing but Congress. Johnson
accuses Congress of usurpations and despoils
laws, while Congress impeaches Johnson of
"high crimes and misdemeanors." Johnson
will not have Stanton to rule over him, law or
no law; and Stanton—the man himself the
master—with the law in his hand and the
Senate at his back, persists in overruling
Johnson.Such is the demoralizing conflict, such is the
costly farce at Washington which now over-
shadows and supercedes all the practical func-
tions of the government. It is enough to
bring the blush of shame upon the cheek of
the honest citizen at the bare recital of the
facts and cause him to deplore the long inter-
val which delays a judgment from the people.
Such a spectacle of conflicting elements of
fanaticism, passion and folly is as repugnant to
an intelligent and thinking people as the fierce
intestine convulsions which transformed the
French republic into a military despotism, and
because the repulsive exhibition is suggestive
of a similar conclusion. If the appointed time
for the Presidential election were at hand,
involving the election of a new Congress, we
should have such a judgment from the Ameri-
can people in the vindication of their sover-
eign authority, as would doubtless be a warn-
ing to President and Congress for generations
to come. Mr. Johnson would discover in the
summing up that men are judged by facts and
results, and this radical Congress, weighed in
the balances and found wanting, would be
ruled out.Mr. Johnson, while wrangling with Congress
upon this thing, that thing and the other, has
had his eye too much upon the democratic
party, and all to no purpose; while the two
houses of Congress, in their efforts to cripple
and tie up the hands of an intractable Execu-
tive, have made a record which calls for their
own impeachment and removal from power.
The people cannot immediately reach these
wrangling and disorderly scrants at both endsof Pennsylvania avenue. When the time
comes there may, perhaps, be no occasion for
anything but sympathy for the misfortunes of
Mr. Johnson, so far as the individual may be
concerned; but the rights of the Executive
Department will none the less demand a hear-
ing. But still the question recurs, will the
government of the constitution survive all
these shocks, and be reinstated harmonious in
all its parts, or are republican institutions
here, as everywhere else, save in the little
republic of San Marino, destined to prove a
failure? For an intelligent answer to this
momentous question every voter in the land
should prepare himself, in view of the ap-
proaching elections for the next President and
the next Congress. It is the remedy reserved
to the people, and intelligently applied it
will still be in season for an effective cure.
Remember the sturdy old Roman who, when
apparently all was lost, still did not despair of
the republic; but if the people choose to leave
it to the chapter of accidents their government
is gone, and French imperialism or Mexican
anarchy will follow, as the night follows the
setting sun.

The Impachment Prosecution.

Before the Senate yesterday appeared the
special committee of the House, Messrs.
Stevens, of Pennsylvania, and Bingham, of
Ohio, appointed to inform the Senate, as they
did, that the House of Representatives, in the
name of all the people of the United States,
had ordered the impeachment of Andrew
Johnson, President of the United States, as
guilty of "high crimes and misdemeanors,"
and that shortly articles of impeachment
would be presented and made good, upon
which they desired the Senate to prepare for
action. President Wade replied that the Senate
would act accordingly, whereupon the com-
mittee retired. Next, on motion of Mr. How-
ard, a committee of seven of the Senate was
ordered to be appointed by the chair to ar-
range the plan of proceedings to the trial of
Andrew Johnson, and the chair appointed
Messrs. Howard, of Michigan; Trumbull,
of Illinois; Conkling, of New York; Edmunds,
of Vermont; Morton, of Indiana; Pomeroy,
of Kansas (republicans), and Johnson, of Mary-
land (democrat), as the committee.In the House the committee of seven ap-
pointed by the Speaker to draft an indictment
against the aforesaid Andrew Johnson held a
preliminary meeting on the business assigned
them. This committee embraces Messrs.
Boutwell, of Massachusetts, chairman; Stevens,
of Pennsylvania; Bingham, of Ohio; Wilson,
of Iowa; Logan, of Illinois; Julian, of Indiana
(republicans), and Ward, of New York (demo-
crat). It is supposed that the charges and
specifications against the accused will be few
in number and so clear as matters of fact as to
require but few witnesses and arguments; but
from the importance and extraordinary nature
of the case the trial must necessarily be of
longer duration than a similar case involving
a subordinate civil officer. The public, there-
fore, must patiently wait the indictment, the
testimony, the arguments of counsel and the
judgment of the court. Two-thirds of the Sena-
tors present are required for a conviction and
removal from office of the party accused; but
as the Senate is nearly three-fourths republi-
can, if we look at it through a party medium
as a court, the case looks rather blue for Mr.
Johnson.In the way of legislation yesterday the
Senate passed a bill providing that a majority
of the votes actually cast in the Southern re-
construction elections shall be decisive. Under
the law as it stands a majority, counting both
sides, of all the registered voters is required
to vote in these elections, and the want of this
majority, from the non-voting policy of the
opposition, is the difficulty in Alabama. With
its removal we may expect very soon the
restoration of the outside States to both houses
of Congress, including, perhaps, a sprinkling
of American citizens of African descent. So
we go.

What Congress and the President Forget.

Both Congress and the President seem to
have forgotten that the cruel war is over
which co-ordinated laws and made it necessary for
the co-ordinated powers of the government to
"energize their functions" to an extraordinary
degree and sometimes to transcend them. The
nation is no longer on a war footing, but on a
peace footing, as all ought to have been con-
vinced by the disbanding of the national
armies after the suppression of the rebellion.
Yet Andrew Johnson has acted as if he thought
that the mantle of Abraham Lincoln had fallen
upon him, and that he might continue to wield
the same exceptional authority which the peo-
ple entrusted to his lamented predecessor
amid the darkness and perplexity of national
peril. And Congress, in its eagerness to check
the abuse of executive power by the Presi-
dent, has itself yielded to the temptation of
exceeding the limits of its own legislative
sphere. It has enacted laws which, to say the
least, rest upon a very dubious constitutional
basis.The inevitable result has been a deplorable
conflict of authority between President and
Congress, which tends to delay reconstruction,
to supply fresh fuel for sectional discord, to
impede industry and commercial and manufac-
turing enterprise, to aggravate individual dis-
tress, and to cast discredit upon our claims as
a model government at the very moment when
foreign nations are beginning to recognize the
United States as a great leading power. Dema-
gogues and speculators may temporarily reap
unrighteous personal advantages from this
abnormal state of things, but it is at the
expense of the vast majority of American citi-
zens, and all must ultimately suffer from the
disastrous consequences of the fact that Con-
gress and the President have forgotten when
war ended and peace began.

EXPLOSION IN A DISTILLERY.—A SUSPICIOUS

CASE.—In Twelfth street, the day before yes-
terday, a "distillery" blew up, drove out the
end wall of the building and completely de-
molished a tenement house in the rear. It is
not a very common case for a distillery to blow
up, and hence it becomes a suspicious matter
as to the material being manufactured. It was
evidently something upon which the govern-
ment was to be cheated; but whether it was
benzene, or turpentine, or nitro-glycerine, or
any other description of what is called
"whiskey," has not been discovered, and
probably never will be, for the villainous com-
pound was blown sky high, and, miraculously
said, did not kill anybody, which it would have
been certain to do if it had only got into the
market instead of into the air.The French Army Bill.—Marshal Niel's
War Office Circular.Napoleon the Third may be the most peace-
ably inclined monarch in Europe, and really
anxious to earn the reputation of being the
"mildest-mannered man" in the world; but,
as if in obedience to his natural inclination,
and acting according to habit, he takes very
extraordinary means of assuring his fellow
men of the fact. The new French Army bill,
which, in its inception and during its progress
in the Legislature, created so much anxiety
and produced such an animated opposition
from the liberals, became law on the last of
the present month. Three days afterwards—
scarcely permitting a breathing time to the
people—Marshal Niel, Minister of War, ordered
its execution in the terms of an official circular,
addressed to the prefects of France, and couched
in distinct and unequivocal words,
directing them to take immediate steps for
the organization of the National Guard Mobile;
or, in plain language, to set to work and place
the entire male population of the empire—with
the very few exceptions provided for—in military
harness, and prepare them for a call to
arms. The Marshal Minister of War is very
precise. He says:—According to the provisions of article fourteen of
the law of 18th March 1855, the men, unmarried, or wid-
ers without children, of the classes 1860, 1861 and 1862,
who have not been liberated by the Council of Revision,
form part of the National Guard Mobile.
Those of the class 1863 for four years.
Those of the class 1864 for three years.
Those of the class 1865 for two years.
Under the general denomination of liberated must be
included, not only the men whom the Council of Revision
has declared to be exempted from the obligation to
serve in the army in consequence of having drawn high
numbers, but also those released by the application of
paragraphs three, four, five, six and seven of article
thirteen of the law of March 1855. The men ac-
credited of these classes do not form part of the Na-
tional Guard Mobile. As the service to that corps dates
from the day of promulgation of the law, there arises a
necessity to compile immediately in each commune a
list of the young men destined to serve. This return
is to be drawn up by the Mayor, assisted by the four
notaries, and they will take the names of the young men
who were either exempted in virtue of paragraphs three,
four, five, six and seven of article thirteen of the law of
18th March, 1855, or were liberated by the numbers
drawn.The communal officials are enjoined to dis-
charge their duties with "celerity" and "care,"
thus:—I invite you to communicate the above dispositions to
the mayor of your department, and to invite them to
exercise the greatest care and celerity in the com-
position of these lists. You will also not fail to explain to
the population that the operations are only intended to
behold in the formation of the National Guard Mobile.
The young men being required for the
present to assemble.The only saving words in the circular are
"without the young men being required for
the present to assemble;" and on these words
and their interpretation by the Emperor, it
appears to us, rest the domestic quiet and
national repose of France and the peace of
Europe—perhaps the peace of the civilized world.The "young men" of France will not be
required "to assemble for the present;" but
what period of time is Napoleon's present?
When will they assemble, and for what pur-
pose will they be assembled? The "young
men of France" constitute a very formidable
body just now; for the males born on the
day of the proclamation of the empire are
sixteen years old, and just the stuff to make
good soldiers, ready, when placed by the
side of veterans, to undertake to carry the
imperial eagle into the heart of any of the
neighboring capitals and strike for the baton
of a marshal just as energetically as did their
ancestors before and on the field of Waterloo.Disguise the fact as he may, Napoleon is
arming France. Vague hints are thrown out in
the columns of the ministerial press of Paris to
the effect that France is in danger of invasion,
and that the Executive is merely adopting
precautions for self-defence. The truth is,
Napoleon finds that North Germany over-
shadowed his military prestige, clouded it, per-
haps, permanently, by a quiet observance of
the rule "in time of peace prepare for war;"
and